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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,493	03/08/2002	Tsutomu Watada	NIL-176	1276

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EXAMINER

LUEBKE, RENEE S

ART UNIT PAPER NUMBER

2833

DATE MAILED: 11/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/092,493

Applicant(s)

WATADA & NAKAZAWA

Examiner

Renee S. Luebke

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MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-4, 8, 11 and 12 is/are rejected.
- 7) ☒ Claim(s) 5-7, 9, 10 and 13-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

1. Initially, it is noted that due to the dependency of the various claims, the present application now contains 37 claims (not 31 as stated by applicant). Applicant's deposit account 18-0013 has, therefore, been charged \$10 for the additional six claims.

2. The drawings (sheets 2, 4 and 6) were received on July 31, 2003. These drawings are acceptable. However, it is noted that Fig. 9 and 10 should be labeled -Prior Art-, as they do not show the present invention.

3. The disclosure is objected to because of the following informalities:

a. Contrary to page 2, line 1, reference numeral 121 (Fig. 10) does not indicate a hole.

b. Contrary to page 2, line 4, reference numeral 119 (Fig. 9) does not indicate a hole.

c. On line 2 of page 3, it appears that "all" should be deleted.

d. The end of the "sentence" on page 3, lines 7-12, is unclear.

e. The "Summary of the Invention" (pages 3-19) should be brief and should not repeat each of the claims (especially those that have been cancelled).

f. The sentence on lines 8-10 of page 21 is incomplete.

g. On line 8 of page 22 (an in claims 2 and 3), it appears that "relations" should be -relationship-.

h. What is the meaning of the phrase "a relatively rotational position," as used on line 15 of page 22 (and in the claims)?

i. The end of the sentence on lines 12-19 of page 34 is unclear.

j. There are many instances of improper grammar and non-idiomatic English throughout the application.

Applicant is kindly requested to proofread the entire application. Appropriate corrections are required.

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4. Claims 2-17 are objected to because of the following informalities:

- On line 9 of claims 2 and 3, it appears that “relations” should be -relationship-.
- What is the meaning of the phrase “relative rotation positions,” as used in the second section of claims 2 and 3?
- On line 6 of claims 6 and 12, it appears that “output” should be -outer-.
- Claim 9 lacks antecedent basis for a number of terms therein.
- Claims 10-12, as directly dependent upon claim 4, each lack antecedent basis for “the easily broken portions” as only one portion has been defined.
- Claim 10, as directly dependent on claims 4 or 12, lacks antecedent basis for “the circumferential directions” on line 4.
- Claims 13 and 14 contain errors similar to claim 10.

Appropriate corrections are required.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-4, 11/4, 11/12, 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Halberg, et al. This inhibitor switch comprises a housing having a terminal block with stationary contacts 25, a moving block (carrier),

and a tack-fastening member 64. The members are fastened and arranged as claimed. In regard to claim 2, hole 62 into which the pin 66 is inserted is seen to be part of the housing. In regard to claim 3, the hole 62 into which the pin 66 is inserted is seen to be part of the terminal block since it supports the movable contacts 25. In regard to claim 4, the fastening member comprises a first fixed portion 72, a second fixed portion 64 and an easily broken portion (see fig. 3) therebetween.

8. Claim 8/12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Halberg. The press-fit portions are arranged as claimed. The use of additionally thermally fastening a member is well known as a more secure means of attachment. For this reason, it would have been obvious to additionally thermally fasten the members of Halberg.

9. Claims 5-7, 8/6, 8/7, 10/5, 10/6, 10/7 would be allowable if rewritten to overcome the objections set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In

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no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**11. It is suggested that responses to this final action be faxed to:**

(703) 872-9306

Please refrain from sending a confirmation copy, as noted in 37 CFR 1.6(d) and 1.8(b).

**Alternatively, responses may be mailed to:**

Commissioner for Patents

**P.O. Box 1450**

**Alexandria, VA 22313-1450**

For additional information regarding this new address, which was effective May 1, 2003, see *Correspondence with the United States Patent and Trademark Office*, 68 Fed. Reg. 14332 (March 25, 2003).

**Hand-delivered responses** should be brought to:

Crystal Plaza 4, Fourth Floor (Receptionist)

2201 South Clark Place, Arlington, Virginia.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mrs. Renee Luebke at (703) 308-1511. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mrs. Paula Bradley, can be reached at (703) 308-2319.



Renee S. Luebke

Primary Patent Examiner

November 10, 2003